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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,471	12/12/2003	Raymond J. Serret	SER-1	9597

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EXAMINER
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HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,471	<b>Applicant(s)</b> SERRET, RAYMOND J.	
	<b>Examiner</b> James F. Hook	<b>Art Unit</b> 3754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5, 6, 8, 13 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 9-12, 14, 15, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of figure 1 in the reply filed on May 24, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 3, 5, 6, 8, 13, and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 24, 2006.

It is noted that applicant felt claim 8 read upon the elected species, however, claim 8 contains structure to an inner chamber and air valve, as well as one or more air ports which are not supported by the embodiment of figure 1 which is a mechanical and not a pneumatic actuated plug. Therefore, claim 8 is treated as withdrawn from further consideration as drawn to a non-elected species.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 9-12, 14, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dorgebray. The patent to Dorgebray as depicted in figure 2,

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discloses the recited pipe fitting plug comprising a body 2b, 12 which is water tight, an expandable sealing means 23a in the form of a rubber seal for forming a watertight seal between the body and an interior surface of a pipe fitting hub shown in outline, an expandable retaining means 19 for engaging the interior surface of the pipe fitting and retaining the plug therein, one or more adjusting means such as members 2a, the member near dashed line 28, and member 15 which cause the sealing and retaining means to engage and disengage the interior surface of the pipe fitting, the sealing means is an expandable rubber seal, and the two members 2a and 2b cause the seal to expand, the retaining means has one or more piercing edges in the form of teeth as seen in the figure, a wedging means in the form of the member near dashed line 28 and 2a have angled surfaces capable of extending the retaining ring, and a ring 21 which is an O shaped ring and therefore an O-ring, at least one of the adjusting means 2a operates on both the retaining and the sealing means so they expand simultaneously, the retaining and sealing means are located in a recess created between an end piece 27 and the housing, the retaining means is seen to be "V" shaped in that it has angled sides extending upward and outward from the cavity holding O-ring 21, the wedging means formed by the rings 2a, and near 28, and the body 2b have angled faces on one side and flat faces on the other, and the method of using the plug is also disclosed.

Claims 1, 2, 4, 7, 9-12, 14, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leslie. The patent to Leslie as depicted in figure 2, discloses the recited pipe fitting plug comprising a body 32 which is water tight, an expandable sealing means 64 in the form of a rubber seal for forming a watertight seal between the

body and an interior surface of a pipe fitting hub shown in outline, an expandable retaining means 56 for engaging the interior surface of the pipe fitting and retaining the plug therein, one or more adjusting means such as members 38,44 which cause the sealing and retaining means to engage and disengage the interior surface of the pipe fitting, the sealing means is an expandable rubber seal, and the two members 44 and 56 cause the seal to expand, the retaining means has one or more piercing edges in the form of teeth as seen in the figure near 58, wedging means 44,38 having angled surfaces capable of extending the retaining ring, and an O-ring 66, at least one of the adjusting means 44 operates on both the retaining and the sealing means so they expand simultaneously, the retaining and sealing means are located in a recess created between an end piece 70 and the housing end formed by ring 38, the retaining means is seen to be "V" shaped in that it has angled sides extending upward and outward from the cavity holding the O-ring, the wedging means formed by the rings 38, and 44, have angled faces on one side and flat faces on the other, and the method of using the plug is also disclosed and the device is actuated by threaded assembly 70,34.

Claims 1, 2, 4, 7, 9-12, 14, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Saxon. The patent to Saxon as depicted in figure 2, discloses the recited pipe fitting plug comprising a body 6 which is water tight, an expandable sealing means 20 in the form of a rubber seal for forming a watertight seal between the body and an interior surface of a pipe fitting hub shown in outline, an expandable retaining means 30 for engaging the interior surface of the pipe fitting and retaining the plug therein, one or more adjusting means such as members 26,28 which cause the sealing

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and retaining means to engage and disengage the interior surface of the pipe fitting, the sealing means is an expandable rubber seal, and the two members 26,28 and 18 cause the seal to expand, the retaining means has one or more piercing edges in the form of teeth as seen in the figure near 30, wedging means 26, 28 having angled surfaces capable of extending the retaining ring, and an O-ring 32, at least one of the adjusting means 26 operates on both the retaining and the sealing means so they expand simultaneously, the retaining and sealing means are located in a recess created between an end piece 34 and the housing end formed by 8, the retaining means is seen to be "V" shaped in that it has angled sides extending upward and outward from the cavity holding the O-ring, the wedging means formed by the rings 26, and 28, have angled faces on one side and flat faces on the other, and the method of using the plug is also disclosed and the device is actuated by threaded assembly 16,18.

Claims 1, 4, 7, 9, 10, 12, 14, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Noe. The patent to Noe as depicted in figure 4, discloses the recited pipe fitting plug comprising a body 58,64 which is water tight, an expandable sealing means 36a,80 in the form of a seal for forming a watertight seal between the body and an interior surface of a pipe fitting hub shown in outline, an expandable retaining means 84 for engaging the interior surface of the pipe fitting and retaining the plug therein, one or more adjusting means such as members 92,94 which cause the sealing and retaining means to engage and disengage the interior surface of the pipe fitting, the sealing means is an expandable seal, and the two members 92 and 94 cause the seal to expand, the retaining means has one or more piercing edges in the form of

teeth 90, wedging means 92,94 having angled surfaces capable of extending the retaining ring, and an O-ring 88, at least one of the adjusting means 92 or 94 operates on both the retaining and the sealing means via members 76,78 so they expand simultaneously, the retaining and sealing means are located in a recess created between an end piece 28 and the housing end 64, the retaining means is seen to be "V" shaped in that it has angled sides extending upward and outward from the cavity holding the O-ring, the wedging means formed by the rings 92, and 94, have angled faces on one side and flat faces on the other, and the method of using the plug is also disclosed and the device is actuated by threaded assembly 70,34.

### ***Conclusion***

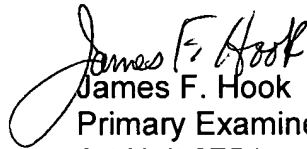
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Chisholm, Clark, Kaeser, Leroy, Grunsky, Mathison (344 and 671), and Olson disclosing state of the art plugs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH